REMARKS

Claims 1 – 19 are pending. Claims 1 and 2 have been amended herein. Applicants request reconsideration of the application in view of the above amendments and the following remarks. Applicants declare no new matter has been added by way of any amendments provided hereinabove.

Rejection under 35 U.S.C. 102 and 103

Claims 1-19 are rejected under 35 U.S.C. 102(a,b, and e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 01/70646 (X Reference from Int'l Search Report), Barlet Gouedard et al. '078 B2 or '945 A1, or Spangle '313. To the extent that the Examiner maintains the rejection, Applicants respectfully traverse the rejections raised by the Examiner under 35 U.S.C. 102(a,b, and e) and 35 U.S.C. 103(a) and the Applicants would like to add the following arguments by emphasizing non-binding comments made under the international preliminary report on patentability.

Applicants believe the question pertains to anticipation and obviousness of ranges. The enclosed Figure is submitted to help illustrate the comparison between instant first claim (dash black triangles) and prior art's claims (black triangles) from WO 01/70646. It is noted that the selected sub-range is narrow compared to the known range; also the selected sub-range is sufficiently far removed from any specific examples disclosed in the prior art (# 1, 2, 3 and 7 examples shown with arrows) and from the end-points of the known range. Under § MPEP 2131.03, when prior art discloses a range which touches overlaps or is within the claimed range, but no specific examples falling within the claimed range are disclosed, a case by case determination must be made as to anticipation. As said within, a "sufficient specificity" of the claimed range has to be shown. Concretely, the selected range (ie the claimed range) is not an

arbitrary specimen of the prior art and show unexpected results (see current patent application page 2, paragraph 16): Effectively, the new technical teaching is the fact that when the cement is heated at higher temperature up to 1200°C, anorthite, grossular and wollastonite become the main stable binders of the set cement. Therefore, cement compositions made in triangles anorthite/grossular/wollastonite and also for lower temperature anorthite/grossular/quartz remain stable. The Applicants believe therefore it may be reasonable to conclude that the selected range is not disclosed with "sufficient specificity" to constitute an anticipation of the first claim. Accordingly, the claims 1 to 19 of the current patent application are novel.

Also under § MPEP 2144.05, the Applicants want to rebut prima facie case of obviousness based on overlapping ranges by showing the criticality of the claimed range. Said criticality of the claimed range was already described just before with the unexpected results relative to the prior art range coming from the fact that when the cement is heated at higher temperature up to 1200°C, anorthite, grossular and wollastonite become the main stable binders of the set cement. Nothing in WO 01/70646 or other prior art suggest to interest on cement compositions made in triangles anorthite/grossular/wollastonite and anorthite/grossular/quartz; and no teaching on phase stability at higher temperatures of those compositions is present. Therefore, there is no motivation which would lead one of ordinary skill in the art to find said unexpected results. Accordingly, the claims 1 to 19 of the current patent application involve an inventive step.

Applicants believe this reply to be fully responsive to all outstanding issues. This paper is submitted in response to the Office Action dated February 15, 2008 for which the three months date for response is May 15, 2008. Please apply any charges not covered, or any credits, to Deposit Account 50-2183 (Reference Number 21.1185).

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Respectfully submitted,

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